

REMARKS

The Office Action has been reviewed in light of the Office Action mailed February 27, 2004. Applicants wish to thank Examiner Chen for the courtesy extended during the interview conducted on May 25, 2004. Reconsideration is respectfully requested in light of the amendments made above and the following comments.

Claims 1 and 2 stand rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, according to the Office Action, the phrase "a plurality of turn tables" has not been disclosed in the specification. Applicants have amended claims 1 and 2 to delete the phrase. The pending claims are now considered to be in full compliance with 35 U.S.C. § 112.

Claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Imai et al., Japanese Patent No. 3-062354A (hereinafter "Imai") in view of Kurosu, U.S. Reissue Patent No. 37,170 (hereinafter "Kurosu"). Reconsideration is respectfully requested for the following reasons.

The invention relates to a disk reproducing apparatus in which a disk can be moved to an optical pick-up unit in a reduced amount of time. The apparatus according to an embodiment of the invention has a disk tray that moves in and out of a main body through a front panel. The disk is loaded onto the disk tray when it is out of the main body, and the disk tray then moves into the main body so that the disk can be recorded or reproduced. In the prior art, an optical pick-up unit was located toward the back of the main body, requiring the disk tray to rotate the disk to the back of the apparatus to reach the optical pick-up unit. This caused unwanted delays. This problem is solved by the invention, which, in an exemplary embodiment, provides the optical pick-up unit closer to the front of the main body, so that the tray has to rotate a minimal amount, or not at all, to reach the optical pick-up unit. Another benefit of the invention is that more space is available at the back of the main body for locating output terminals, or the main body can

be made smaller. See, for example, page 3, line 13 to page 4, line 20, and accompanying figures of the specification. The invention is not limited to the preferred embodiments.

Claim 1 has been amended to recite a “disk reproducing apparatus comprising: a main body having a front panel; [and] a frame which is pushed out from or drawn into said main body through said front panel.” Amended claim 1 further recites an “optical pick-up unit ... wherein an optical pick-up portion of said optical pick-up unit is located between a rotation center of said disk tray and said front panel of said main body when said frame is drawn into said main body for reproducing or recording data from or in said disk.”

The disclosures of Imai and Kurosu, even if properly combinable (and they are not, as explained below) fail to teach or suggest all of the claim limitations. Neither reference teaches or suggests an “optical pick-up unit ... wherein an optical pick-up portion of said optical pick-up unit is located between a rotation center of said disk tray and said front panel of said main body when said frame is drawn into said main body for reproducing or recording data from or in said disk.”

Imai relates to an automatic CD changer. Imai does not have a disk tray that moves in and out of a main body. Thus, Imai does not teach or suggest an optical pick-up located between a rotation center of a disk tray and a front panel of a main body, which it does not have. Kurosu teaches a disc loading mechanism having tray that slides in and out of a main body through a panel. However, the optical pick-up mechanism in Kurosu is located in the back of the main body (see, e.g., Figure 5), and, thus, Kurosu does not teach or suggest an optical pick-up unit located between a rotation center of a disk tray and a front panel of a main body. Therefore, claim 1 is allowable because Imai and Kurosu, taken alone or in combination, fail to teach or suggest all of the limitations of claim 1.

Claim 1 is also allowable because the references are not properly combinable as suggested by the Office Action. The Office Action asserts that it would have been obvious to “combine Imai et al’s device with the main body and the frame taught by Kurosu ... [because] Imai’s device is a bare device, which requires a mechanism to accommodate.”

Office Action, page 3. This assertion is improper because it is not based on any problem or need identified in the Imai reference. Applicants enclosed herewith, as Exhibit 1, translations of two paragraphs of the Imai reference for the Examiner's convenience. Imai is a stand alone, self-sufficient device, that does not require "a mechanism to accommodate" it, as asserted by the Office Action. In Imai's device, disks are loaded from the top, and the device does not require a "mechanism to accommodate" it. The Office Action does not point to anything that would suggest why the device of Imai would work in the device of Kurosu, and why anyone would make such a combination. Thus, the motivation asserted by the Office Action to combine the references is not based on anything in the references, and is improper under the guidelines set forth in the MPEP.

The Office Action also asserts that "Kurosu also teaches that the frame eliminates a collision sound, which normally generated upon completion of the pull-in operation of the disk tray and eliminates a shock to the disk player by such collision One of ordinary skill in the art would have been motivated to do the combining thus eliminating the collision." Office Action, page 3.

Applicants respectfully submit that this proposed motivation does not make sense in context of the references. The Office Action cites a problem associated with a pull-in operation of a disk tray, which is used in Kurosu, and asserts that it would be obvious to combine Imai with Kurosu to eliminate this problem in Imai. But, Imai does not have a disk tray that pulls in and out of a main body – rather, in Imai's device the disks are loaded from the top. Thus, Imai does not suffer from this problem. Why would anyone put Imai's apparatus into the apparatus of Kurosu to solve a problem which Imai does not have? Thus, this suggested motivation to combine the references is also improper.

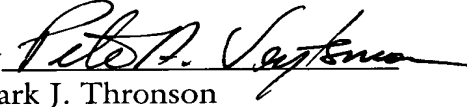
The Office Action has not met its burden to provide any motivation to explain how or why the references can be properly combined to render obvious the invention of claim 1. For this additional reason, claim 1 is allowable.

For similar reasons as discussed above with respect to claim 1, Imai and Kurosu, taken alone or in combination, fail to teach or suggest the limitations of claims 2 and 3. For at least this reason claims 2 and 3 are allowable. In addition, as explained above, the references are not properly combinable as suggested by the Office Action. This is another reason why claims 2 and 3 are allowable.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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